

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending. By this amendment, Claims 1-3, 5-8, and 10-14 are amended; and no claims are added or canceled herewith. Support for the present amendments can be found in the original specification, for example, at page 10, lines 18-25, at page 118, lines 2-10 and in Figure 24. Thus, it is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 13 and 14 were rejected under 35 U.S.C. § 101; Claims 1-3 and 5-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin et al. (U.S. Patent No. 7,389,273, hereinafter “Irwin”) in view of Stefik (U.S. Patent No. 5,715,403); and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin et al. (U.S. Patent No. 7,389,273, hereinafter “Irwin”) in view of Stefik and Shimizu et al. (U.S. Publication No. 2005/0071660, hereinafter “Shimizu”).

With respect to the rejection under 35 U.S.C. § 101, Claims 13 and 14 are amended to recite, in part, “a computer readable medium.” Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 101 be withdrawn.

With respect to the rejection under 35 U.S.C. § 103(a) based on Irwin, Stefik, and Shimizu, Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below. It is respectfully submitted that the applied art does not disclose or suggest “storage means for storing content data acquired from a content data provision apparatus, said content data provision apparatus providing said content data which is prohibited from being stored in a location external to said content data reproduction apparatus” and “setting means for setting said content data stored in said storage means to reproducible when said reception means receives said registration confirmation signal and

after said content data is acquired and stored by the storage means,” as recited in amended Claim 1.

In particular, Irwin discusses a digital rights management system for collecting and aggregating usage information across all of the consumer's devices. The Office Action acknowledges on pages 4-5 that Irwin “fails to disclose expressly said content data...; setting means...; and reproduction means...,” as recited in Claim 1. The Office Action relies on Stefik to cure the deficiencies of Irwin.

However, Stefik merely discusses a system for controlling use and distribution of digital works. The system allows the owner of a digital work to attach certain usage rights to their work, such as the right to copy or borrow the work. A usage right includes a right code, along with the various conditions for exercising the right. The digital works and their attached usage rights are stored in repositories and are transmitted between repositories. Stefik does not disclose or suggest “setting means for setting said content data stored in said storage means to reproducible when said reception means receives said registration confirmation signal and after said content data is acquired and stored by the storage means.” Instead, col. 48, lines 36-54 of Stefik (asserted in the Office Action as disclosing the claimed setting means) simply discusses various billing options that may be attached to a digital work, including the right to copy the digital work. Stefik does not disclose or suggest when a digital work may become reproducible relative to the time the digital work is stored in the storage means.

Accordingly, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over Irwin in view of Stefik, be withdrawn.

With respect to the rejection of Claim 4, Applicant submits herewith an accurate English language translation of Japanese priority application JP 2004-149492 filed May 19, 2004. Thus, Shimizu (U.S. Publication No. 2005/0071660) does not qualify as prior art

because Shimizu was filed on August 11, 2004. Accordingly, it is respectfully requested that the rejection based on Shimizu be withdrawn.

Independent Claim 8 recites, in part, “determination means for checking said first storage means based on said apparatus identification information or said user identification information shown by the received confirmation request signal to determine whether or not said content data reproduction apparatus or said user has been properly charged payment.” The Office Action on pages 9-10 acknowledges that Irwin does not disclose this feature of Claim 8. Instead, the Office Action relies on Stefik to cure the deficiencies of Irwin. However, it is respectfully submitted that Stefik does not discuss this feature nor does the Office Action cite to a particular teaching in Stefik for this feature. Accordingly, it is respectfully requested that the rejection of Claim 8, and all claims dependent thereon, as unpatentable over Irwin in view of Stefik, be withdrawn.

Independent Claims 11 and 13 recite features similar to Claim 1, and thus are patentable for the reasons discussed above with respect to Claim 1. Accordingly, it is respectfully requested that the rejection of Claims 11 and 13 be withdrawn.

Independent Claim 14 recites features similar to Claim 8, and thus is patentable for the reasons discussed above with respect to Claim 8. Accordingly, it is respectfully requested that the rejection of Claim 14 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

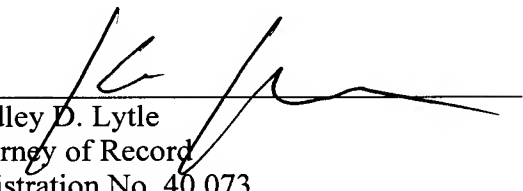
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

BDL/KMM/AHB



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Kevin M. McKinley
Registration No. 43,794